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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,109	10/04/2000	Lewis D. Dodrill	CIS00-2413	1822

7590 07/26/2007
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EXAMINER

HAN, QI

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/679,109	DODRILL ET AL.	
	Examiner	Art Unit	
	Qi Han	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Response to Amendment

2. This communication is responsive to the RCE filed on 02/21/2007.

It is also noted the petition (filed on 02/21/2007) for revival of the application was granted on 03/30/2007

Response to Arguments

3. Applicant's arguments filed on 09/02/2005 based on the affidavits (also filed on 09/02/2005) under 3CFR 1.131 (see Remarks: pages 11-12) have been fully considered but are moot in view of the new ground(s) of rejection. It is noted that some claimed limitation(s) that was not disclosed in the affidavit evidence may subject to rejection based on the references prior to the instant application filing date (10/04/2000) **and** after the earliest date supported by the affidavits (in this case, 02/22/2000).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-28, the claims include (or inherit) limitations “**suitable for ...**” and/or “**capable of performing (doing)...**”, which are not positive limitations because it is unclear that the limitations are really part(s) of the claimed invention or just optional part(s) of the claimed invention, so as being indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LADD et al. (US 6,269,336 B1) hereinafter referenced as LADD, in view of MACKENTY (US 6,088,675) hereinafter referenced as MACKENTY.

Regarding **claim 1**, as best understood in view of the rejection under 35 USC 112 2nd (see above), LADD discloses ‘voice browser for interactive service and methods thereof’(title) with text-to-speech conversion (col. 9, lines 1-10) in network environment (Fig. 3), comprising:

“a first executable resource” (Fig. 3 and col. 11, 26-35, ‘the voice browser 250 preferably receives information from the information sources (including executable resource), such as the content provider 208 via the application server 242, the markup language servers 251 and 257, database 244, and the content provider 208);

“a second executable resource” (Fig. 3 and col. 9, lines 1-10, ‘the TTS unit 252 (executable resource) of the VRU server 234 receives textual data or information ...from the application server 242’ and ‘converts the data to voice data or information’, which read on second executable resource), wherein:

“the first executable resource generates text portions from the body of text in response to receiving an initial request to convert the body of text to speech” (Fig. 3 and col. 11, lines 30-45, ‘in response to voice input (initial request) from user...the voice browser 250 generates a content request (also corresponding to initial request) to navigate to a destination of one or more of the information sources’, ‘the information ...can include text content (text portions), markup language document (also interpreted as text portions) or pages...’; also see col. 3, lines 7-23);

“the first executable resource provides an output in response to generating the text portions, [the output comprising a sequence of resource identifiers suitable for use in the text-to-speech conversion of the text portions, each of the resource identifiers comprising a corresponding one of the text portions and an identity of a resource capable of performing the text-to-speech conversion]”, (Fig. 3 and col. 11, lines 30-36, ‘the source responds the request, sending (outputting) at least portion of the request information...’,

‘the information (the output) ...can include text content (text portions), markup language document or pages (also interpreted as text portions)...’);

“the second executable resource receives a text portion web request that requests the conversion of at least one text portion to an audio format, [the text portion request comprising the at least one text portion and one of the resource identifiers]”, (Fig. 3 and col. 9, lines 1-10, ‘the TTS unit 252 (second executable resource) ... receives textual data or information (text portion web request) ...from the application server 242’, ‘processes the textual data and converts the data to voice data or information (audio format)’); and

“the second executable resource provides at least one media file suitable for audio output based on the text portion request” (col. 9, lines 11-24, ‘the TTS unit 252 can provide data to the VRU client 232 which reads or plays the data (media file) to user’, ‘the VRU server 234 can read the audio message to the user using human recorded speech or synthesized speech).

LADD does not expressly disclose the output of the first executable resource

“comprising a sequence of resource identifiers suitable for use in the text-to-speech conversion of the text portions, each of the resource identifiers comprising a corresponding one of the text portions and an identity of a resource capable of performing the text-to-speech conversion” and “the text portion request comprising the at least one text portion and one of the resource identifiers”. However, this feature is well known in the art as evidenced by MACKENTY who, in the same field in endeavor, discloses ‘auditorially representing pages of SGML data’ (title), comprising that ‘synthetic speech is used to read the text content aloud’ and ‘an SGML (Standard General Markup Language) page can be read aloud using a speech synthesis device’

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with 'SGML tag' (col. 2, lines 14-24); providing an example of the 'text' and the corresponding markup 'HTML document' including multiple text portions, each of them has resource identifier (i.e. URL) with a text portion and resource identity (col. 7, line 45 to col. 9, line 20), which reads on the claimed limitation(s). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify LADD by providing multiple (sequence) resource identifiers (such as URL), each of them contains text portion and source identity for the speech synthesizer (text-to-speech), as taught by MACKENTY, for the purpose (motivation) of representing contents of an SGML page with sound data rather than visual data and/or avoiding having any single node containing a large amount of text (col. 1, lines 54-55 and col. 4, 64-65).

It should be pointed out that since the claimed "suitable for ..." and "capable of performing ..." are not positive limitations and it is unclear that the limitations are really part(s) of the claimed invention or just optional part(s), the limitations are broadly interpreted as merely optional part(s) of the claimed invention and no patentable weight is given for these limitations (the same or similar limitations in the other claims will be treated in the same way hereinafter).

Regarding **claim 2** (depending on claim 1), LADD in view of MACKENTY further discloses:

"the first executable resource generates the text portions in response to receiving an initial hypertext transport protocol (HTTP) request to convert the body of text to speech" (LADD: col. 11, lines 34-35, 'the content request can use at least a portion of a **URL**, a URN, an IP, a **page** request, or an electronic email'; col. 3, lines 7-23, 'the information source 106 can be identified by an electronic address using at least portion of a **URL**' that 'can include:... "**http**:" for accessing an **HTML** document...').

“the first executable resource provides a markup language page comprising uniform resource locators (URL's), wherein each URL comprises a text character string suitable for conversion to the audio format and an HTTP address of the resource” (LADD: col. 11, lines 34-35 and col. 3, lines 7-23, see above; MACKENTY: col. 7, line 45 to col. 9, line 20, see claim 1 above);

“the second executable resource receives at least one HTTP request comprising at least one of the URLs” (LADD: col. 11, lines 34-35 and col. 3, lines 7-23, see above; MACKENTY: col. 7, line 45 to col. 9, line 20, see claim 1 above).

Regarding **claim 3**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites same or similar limitation(s) as claim 1.

Regarding **claim 4** (depending on claim 3), the rejection is based on the same reason described for claim 2, because the claim recites same or similar limitation(s) as claim 2.

Regarding **claim 5**, it recites a server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 6** (depending on claim 5), the rejection is based on the same reason described for claim 2, because the claim recites (or includes) same or similar limitation(s) as claim 2.

Regarding **claim 7** (depending on claim 5), LADD in view of MACKENTY further discloses “the executable resource provides the resource identifiers in a prescribed sequence based on respective positions of the text portions in the body of text”, (MACKENTY: col. 7, line 45 to col. 9, line 20), wherein the example shows the prescribed sequence of URLs for different

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portions of the texts, based on certain positions (such paragraph) of the body of the texts, which broadly can be read on the claim).

Regarding **claim 8**, it recites a method. The rejection is based on the same reason described for claim 5, because the claim recites same or similar limitation(s) as claim 5.

Regarding **claim 9** (depending on claim 8), LADD in view of MACKENTY further discloses “receiving an initial request for a text-to-audio conversion of the body of text, wherein the step of generating the text portions comprises generating the text portions in response to the step of receiving the initial request”, (LADD: Fig. 3 and col. 11, lines 30-45, ‘in response to voice input (initial request) from user...the voice browser 250 generates a content request to navigate to a destination of one or more of the information sources’, ‘the information ...can include text content (text portions), markup language document (also interpreted as text portions) or pages...’).

Regarding **claim 10** (depending on claim 8), LADD in view of MACKENTY further discloses “generating each text portion in a manner suitable for inclusion in a hypertext transport protocol (HTTP) request”, (LADD: col. 11, lines 34-35, ‘the content request can use at least a portion of a URL, a URN, an IP, a page request, or an electronic email’, ‘the information source responds to the requests ...’ and ‘the information can including text content, markup language document or pages’; col. 3, lines 7-23, ‘the information source 106 can be identified by an electronic address using at least portion of a URL’ that ‘can include:... “http:” for accessing an HTML document...’; MACKENTY: col. 7, line 45 to col. 9, line 20, shows http protocol used in HTML document for each text portion).

Regarding **claim 12** (depending on claim 8), the rejection is based on the same reason described for claim 7, because the claim recites same or similar limitation(s) as claim 7.

Regarding **claim 13**, it recites a server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 15**, it recites a computer product. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 17**, it recites a text-to-audio server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 19** (depending on claim 17), LADD in view of MACKENTY further discloses that "the response comprises media files suitable for the audio output", (LADD: Fig. 3 and col. 9, lines 11-24, 'the TTS unit 252 can provide data to the VRU client 232 which reads or plays the data (media file) to user', 'the VRU server 234 can read the audio message (audio output) to the user using human recorded speech or synthesized speech').

Regarding **claim 20**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 22** (depending on claim 20), the rejection is based on the same reason described for claim 19, because the claim recites same or similar limitation(s) as claim 19.

Regarding **claim 23**, it recites a text-to-audio server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 25**, it recites a computer program product. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claims 11** (depending on claim 8), **14** (depending on claim 13), **16** (depending on claim 15), **18** (depending on claim 17), **21** (depending on claim 20), **24** (depending on claim 23) and **26** (depending on claim 25), the rejection is based on the same reason described for claim 6, because the claims respectively recite same or similar limitation(s) as claim 6.

Regarding **claim 27**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 28** (depending on claim 27), the rejection is based on the same reason described for claim 2, because the claim recites (or includes) same or similar limitation(s) as claim 2.

Conclusion

6. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
July 19, 2007


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER